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10/743,374	12/22/2003	Timo Ala-Lehtimaki	KOLS.078PA	9338
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Hollingsworth & Funk, LLC 8009 34th Avenue South, Suite 125 Minneapolis, MN 55425				EXAMINER
				HERRERA, DIEGO D
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/743,374	ALA-LEHTIMAKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Diego Herrera	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2003.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) 1, 13 and 26 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-12, and 14-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-6, 9, 11-12, and 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarzer et al. (US patent 5644628), and in view of Wagner et al. (US patent 62586516 B1), and in view of Lee (US patent 7111044 B2).

Regarding claim 11. Schwarzer et al. discloses a terminal of a radio communication system for transmitting an electronic message with user-defined contents, the terminal comprising:

a wireless transceiver (abstract, schwarzer et al. teaches telecommunication device hence wireless transceiver);

a user interface element (abstract, col. 1 lines: 50-55, col. 2 lines: 15-25, Schwarzer et al. teaches Graphical User Interface with recognition software, fig. 1c); and

a processing unit coupled to the wireless transceiver and the user interface element (col. 1 lines: 27-35, Schwarzer et al. teaches processing means between terminal communication system and user's graphical interface),

however, schwarzer et al. doesn't specifically discloses electronic message from the user interface element, however, Wagner et al. teaches this limitation of receiving and sending electronic messages (col. 1 lines: 42-46), therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include electronic message from the user interface element as taught by Wagner et al.

for the purposes of to have a user interface for a portable, hand-held telephone as one aspect of the invention (col. 1 lines: 11-13).

However, schwärzer et al. doesn't specifically discloses to receive a shorthand for a destination of the electronic message from the user interface element, nevertheless, Wagner et al. teaches the limitations (col. 1 lines: 49-50, col. 4 lines: 40-46, wagner et al. teaches sending information through the touch of one button, to automatically reply to an electronic message), therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include receiving a shorthad for a destination of the electronic message from the user interface element as taught by wagner et al. for the purposes of making the device user friendly (col. 1 lines: 29).

However, schwarzer et al. doesn't specifically discloses to associate the shorthand for the destination with a full destination, nevertheless, wagner et al. teaches the ability to call back with a single button being press to address to resend an electronic message (col. 6 lines: 53-55, col. 7 lines: 1-6, wagner et al. teaches the ability to write a message and send the message by pressing a send button), therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include to associate the shorthand for the destination with a full destination as taught by Wagner et al. for the purposes of automatically reply with a touch of a button (abstract).

wherein the electronic message with user-defined contents is one of a digital image or drawing created by means of a camera or a touch pad coupled to the terminal (col. 4

lines: 10-15, schwarzer et al. teaches that drawing a line on touch screen is recognize by mobile device as user-defined contents for it is done by the user to be, in the case, the start a conference call. Examiner has met the requirement of one of the list of the possible limitation used by the applicant, since the applicant used conditional language), a digital sound recording, data inputted over a serial data interface, material inputted to the terminal from a device external to the terminal.

Regarding claim 14. Wagner et al. discloses a terminal of a radio communication system for transmitting an electronic message with user-defined contents, the terminal comprising:

a wireless transceiver (abstract, schwarzer et al. teaches telecommunication device hence wireless transceiver);  
a user interface element (abstract, col. 1 lines: 50-55, col. 2 lines: 15-25, Schwarzer et al. teaches Graphical User Interface with recognition software, fig. 1c); and  
a processing unit coupled to the wireless transceiver and the user interface element (col. 1 lines: 27-35, Schwarzer et al. teaches processing means between terminal communication system and user's graphical interface),  
however, schwarzer et al. doesn't specifically discloses electronic message from the user interface element, however, Wagner et al. teaches this limitation of receiving and sending electronic messages (col. 1 lines: 42-46), therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically

include electronic message from the user interface element as taught by Wagner et al. for the purposes of to have a user interface for a portable, hand-held telephone as one aspect of the invention (col. 1 lines: 11-13).

wherein the electronic message with user-defined contents is one of a digital image or drawing created by means of a camera or a touch pad coupled to the terminal (col. 4 lines: 10-15, schwarzer et al. teaches that drawing a line on touch screen is recognize by mobile device as user-defined contents for it is done by the user to be, in the case, the start a conference call. Examiner has met the requirement of one of the list of the possible limitation used by the applicant, since the applicant used conditional language), a digital sound recording, data inputted over a serial data interface, material inputted to the terminal from a device external to the terminal.

However, Schwarzer et al. do not teach specifically a wirelessly transmitting the message over a Wireless Local Area Network (WLAN) via a WLAN transceiver with user-defined contents to the full destination, nonetheless, Lee et al. teaches a system that provides WLAN (col. 6 lines: 40-45)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of schwarzer et al. to specifically include a system that supports WLAN as taught by Lee for the purposes of having a network available for services necessary for a wireless local area network system to work.

Regarding claim 19. Schwarzer et al. discloses a method for transmitting an electronic message with user-defined contents utilizing a terminal of a radio communication

system, the method comprising:

receiving an input defining the contents of the electronic message; receiving a shorthand for a destination of the electronic message (abstract, fig. 1c, 1g, schwarzer et al. teaches the use of input and output unit with handwriting and graphics recognition abilities of the mobile terminal, hence, ability to receive shorthand of address of destination of message);

However, schwarzer et al. doesn't specifically discloses to associate the shorthand for the destination with a full destination, nevertheless, wagner et al. teaches the ability to call back with a single button being press to address to resend an electronic message (col. 6 lines: 53-55, col. 7 lines: 1-6, wagner et al. teaches the ability to write a message and send the message by pressing a send button), therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include to associate the shorthand for the destination with a full destination as taught by Wagner et al. for the purposes of automatically reply with a touch of a button (abstract).

However, the combination do not teach specifically a wirelessly transmitting the message over a Wireless Local Area Network (WLAN) via a WLAN transceiver with user-defined contents to the full destination, nonetheless, Lee et al. teaches a system that provides WLAN (col. 6 lines: 40-45)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of the combination to specifically include a system that supports WLAN as taught by Lee for the purposes of having a network

available for services necessary for a wireless local area network system to work; and at least one of:

receiving data inputted over a serial data interface as the electronic message with user-defined contents (Wagner et al. | col. 1 lines: 32-35);

creating a digital image or drawing as the electronic message with user-defined contents (Wagner et al. | col. 4 lines: 37-40);

creating a digital sound recording as the electronic message with user-defined contents (Lee | col. 4 lines: 36-40);

receiving material from a device external to the terminal as the electronic message with user-defined contents.

Consider claim 2. As applied to claim 11 above, the combination discloses wherein the user interface element includes a plurality of keys (Leel softkeys, and keypad fig. 1, col. 5 lines: 25-30, col. 3 lines: 48-51, col. 11 lines: 10-13), and the processing unit is configured to receive key presses (Wagner et al. | col. 3 lines: 25-32), which represent the shorthand for the destination (Wagner et al. | col. 6 lines: 53-60).

Consider claim 3. As applied to claim 2 above, the combination discloses wherein the shorthand for the destination includes a speed dialing number (Wagner et al. | col. 4 lines: 60-63), which includes a plurality of dialing digits (Leel softkeys, and keypad fig. 1, col. 5 lines: 25-30, col. 3 lines: 48-51, col. 11 lines: 10-13).

Consider claim 4. As applied to claim 2 above, the combination discloses wherein the processing unit is configured to interpret a key press of a key associated with the shorthand lasting longer than a predetermined time as the shorthand for the destination (Lee I col. 11 lines: 20-21, 29-34, 40-46).

Consider claim 5. As applied to claim 2 above, the combination discloses wherein the processing unit is configured to interpret a key press of a key associated with the shorthand followed by a key press of another key as the shorthand for the destination (Lee I col. 3 lines: 48-52, programmable buttons, hence the ability to associate key press of another key as a destination).

Consider claim 6. As applied to claim 11 above, the combination discloses wherein the user interface element includes a microphone, and the processing unit is configured to recognize voice as the shorthand for the destination (Lee I fig. 100 element 107 MIC, col. 3 lines: 59-63, col. 4 lines: 36-40).

Consider claim 9. As applied to claim 11 above, the combination discloses wherein the electronic message with user-defined contents includes a data message (Wagner et al. I col. 1 lines: 32-35).

Consider claim 12. As applied to claim 11 above, the combination discloses wherein the full destination defines one of a subscriber identifier of the radio communication system,

a group of subscriber identifiers of the radio communication system (Lee I col. 5 lines: 60-67--col. 6 lines: 1-10), an e-mail address (Wagner et al. I col. 4 lines: 60-63) (Wagner et al. I col. 6 lines: 41-50), a group of e-mail addresses (Lee I col. 5 lines: 60-67), another terminal of the radio communication system, a computer, an Internet Protocol IP address (Lee I col. 4 lines: 20-24).

Consider claim 15. (Original) As applied to claim 14, the combination discloses wherein the user interface means include keying means (Wagner et al. I col. 3 lines: 25-32), and the processing means are configured to receive key presses, which represent the shorthand for the destination (Lee I softkeys, and keypad fig. 1, col. 5 lines: 25-30, col. 3 lines: 48-51, col. 11 lines: 10-13).

Consider claim 16. (Original) As applied to claim 14, the combination discloses wherein the user interface means include voice-capturing means, and the processing means are configured to recognize voice as the shorthand for the destination (Lee I fig. 100 element 107 MIC, col. 3 lines: 59-63, col. 4 lines: 36-40).

Consider claim 17. (Original) As applied to claim 14, the combination discloses wherein the user interface means include touch-sensing means, and the processing means are configured to recognize a special touch as the shorthand for the destination (LeeI softkeys, and keypad fig. 1, col. 5 lines: 25-30, col. 3 lines: 48-51, col. 11 lines: 10-13).

Consider claim 18. (Original) As applied to claim 14, the combination discloses wherein the user interface means include motion-sensing means, and the processing means are configured to recognize a special motion as the shorthand for the destination (Wagner et al. I col. 3 lines: 27-28, 42-48, processing means and circuitry between terminal and user's interface).

Consider claim 20. (Original) As applied to claim 19, the combination discloses wherein the reception of the shorthand for the destination of the electronic message includes: receiving key presses, which represent the shorthand for the destination (Wagner et al. I col. 6 lines: 53-60).

Consider claim 21. (Original) As applied to claim 20, the combination discloses wherein the method further comprises:  
interpreting a key press of a key associated with the shorthand lasting longer than a predetermined time as the shorthand for the destination (Lee I col. 11 lines: 20-21, 29-34, 40-46).

Consider claim 22. (Original) As applied to claim 20, the combination discloses wherein the method further comprises:  
interpreting a key press of a key associated with the shorthand followed by a key press of another key as the shorthand for the destination (Leel softkeys, and keypad fig. 1,

col. 5 lines: 25-30, col. 3 lines: 48-51, col. 11 lines: 10-13).

Consider claim 23. (Original) As applied to claim 1.9, the combination discloses wherein the reception of the shorthand for the destination of the electronic message includes: recognizing voice as the shorthand for the destination (Lee I col. 4 lines: 36-40).

Consider claim 24. (Original) As applied to claim 19, the combination discloses wherein the reception of the shorthand for the destination of the electronic message includes: recognizing a special touch of a touch-sensitive area of the terminal as the shorthand for the destination (Wagner et al. I col. 6 lines: 53-60).

Consider claim 25. As applied to claim 19, the combination discloses wherein the reception of the shorthand for the destination of the electronic message includes: recognizing a special motion as the shorthand for the destination (Wagner et al. | col. 6 lines: 53-60).

Claims 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. (US patent 62586516 B1), and in view of Lee (US patent 7111044 B2).

Regarding claim 7. Wagner et al.. discloses a terminal of a radio communication system for transmitting an electronic message with user-defined contents, the terminal

comprising:

a wireless transceiver (col. 1 lines: 31-35, 61-63; col. 3 lines: 25-38, transceiver, fig. 4, 6, 7);

a user interface element (abstract, col. 1 lines: 29, 38-40, col. 2 lines: 64-65, GUI); and a processing unit coupled to the wireless transceiver and the user interface element (col. 3 lines: 27-28, 42-48, processing means and circuitry between terminal and user's interface),

configured to receive an input defining the contents of the electronic message from the user interface element (col. 1 lines: 42-46), to receive a shorthand for a destination of the electronic message from the user interface element (col. 1 lines: 49-50), to associate the shorthand for the destination with a full destination (col. 7 lines: 1-6), and to transmit the message with user-defined contents to the full destination utilizing the wireless transceiver (col. 7 lines: 1-6);

However, Wagner et al. do not discloses specifically the combination discloses wherein the user interface element includes a touch pad, and the processing unit is configured to recognize a special touch as the shorthand for the destination; nonetheless, Lee teaches a touch pad (abstract, col. 3, lines: 48-52, 61-64, col. 5 lines: 25-30, col. 8 lines: 42-48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wagner et al. to specifically include a touch pad as taught by Lee for the purposes of being user friendly.

Regarding claim 8. Wagner et al. discloses a terminal of a radio communication system for transmitting an electronic message with user-defined contents, the terminal comprising:

a wireless transceiver (col. 1 lines: 31-35, 61-63; col. 3 lines: 25-38, transceiver, fig. 4, 6, 7);

a user interface element (abstract, col. 1 lines: 29, 38-40, col. 2 lines: 64-65, GUI); and a processing unit coupled to the wireless transceiver and the user interface element (col. 3 lines: 27-28, 42-48, processing means and circuitry between terminal and user's interface),

configured to receive an input defining the contents of the electronic message from the user interface element (col. 1 lines: 42-46), to receive a shorthand for a destination of the electronic message from the user interface element (col. 1 lines: 49-50), to associate the shorthand for the destination with a full destination (col. 7 lines: 1-6), and to transmit the message with user-defined contents to the full destination utilizing the wireless transceiver (col. 7 lines: 1-6); and

the processing unit is configured to recognize a special motion as the shorthand for the destination (col. 3 lines: 27-28, 42-48, processing means and circuitry between terminal and user's interface).

However, Wagner et al. do not specifically teach the combination discloses wherein, the user interface element includes a motion-sensing device, nevertheless, Lee teaches the ability to capture and manipulate voice and soft key display input (col. 5 lines: 25-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wagner et al. to specifically include the combination discloses wherein the user interface element includes a motion-sensing device, as taught by Lee for the purposes of being user friendly.

Regarding claim 10. Wagner et al. discloses a terminal of a radio communication system for transmitting an electronic message with user-defined contents, the terminal comprising:

a wireless transceiver (col. 1 lines: 31-35, 61-63; col. 3 lines: 25-38, transceiver, fig. 4, 6, 7);

a user interface element (abstract, col. 1 lines: 29, 38-40, col. 2 lines: 64-65, GUI); and a processing unit coupled to the wireless transceiver and the user interface element (col. 3 lines: 27-28, 42-48, processing means and circuitry between terminal and user's interface),

configured to receive an input defining the contents of the electronic message from the user interface element (col. 1 lines: 42-46), to receive a shorthand for a destination of the electronic message from the user interface element (col. 1 lines: 49-50), to associate the shorthand for the destination with a full destination (col. 7 lines: 1-6), and to transmit the message with user-defined contents to the full destination utilizing the wireless transceiver (col. 7 lines: 1-6);

However, Wagner et al. do not specifically include the combination discloses wherein the electronic message with user-defined contents is a Multimedia Message Service

MMS message, nonetheless, Lee teaches MMS message (col. 22 lines: 1-7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wagner et al. to specifically include MMS message, as taught by Lee for the purposes of being more versatile and offering extra services.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Diego Herrera  
Patent Examiner



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